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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,611	07/08/2003	Vinodh Kumar Ravindranath	CSCO-033/7051	7461

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,611

Applicant(s)

RAVINDRANATH ET AL.

Examiner

Quoc D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-15, 17-25, 27-35 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 6, 16, 26 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/8/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 11, 21 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Zanaty (6,741,685).

Consider claim 1, Zanaty teaches a method of supporting a user to access a service, said method being performed in a service selection gateway (SSG), said method comprising: receiving in said SSG, data representing a plurality of switching points (col. 4 lines 1-23); counting in said SSG, a traffic volume from or to each of said plurality of switching points (col. 5 lines 1-34) and sending from said SSG, an accounting record containing said traffic volume (col. 4 lines 24-55).

Consider claim 11, Zanaty teaches a machine readable medium carrying one or more sequences of instructions for causing a SSG to support a user to access a service, wherein execution of said one or more sequences of instructions by one or more processors contained in

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said SSG causes said one or more processors to perform the actions of: receiving in said SSG, data representing a plurality of switching points (col. 4 lines 1-23); counting in said SSG, a traffic volume from or to each of said plurality of switching points (col. 5 lines 1-34); and sending from said SSG, an accounting record containing said traffic volume (col. 4 lines 24-55).

Consider claim 21, Zanaty teaches a service selection gateway (SSG) supporting a user to access a service, said SSG comprising: means for receiving data representing a plurality of switching points (col. 4 lines 1-23); means for counting a traffic volume from or to each of said plurality of switching points (col. 5 lines 1-34); and means for sending an accounting record containing said traffic volume (col. 4 lines 24-55).

Consider claim 31, Zanaty teaches a service selection gateway (SSG) supporting a user to access a service, said SSG comprising: a tariff block receiving data representing a plurality of switching points (col. 4 lines 1-23); a forwarding block forwarding a plurality of packets related to said user (col. 4 lines 1-23); an accounting block counting a traffic volume from or to each of said plurality of switching points according to said plurality of packets (col. 5 lines 1-34); and an outbound interface sending an accounting record containing said traffic volume (col. 4 lines 24-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2-5, 9-10, 12-15, 19-20, 22-25, 29-30, 32-35 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zanaty (6,741,685) in view of Kaplan et al (6,473,404).

Consider claim 2, Zanaty did not suggest wherein each of said plurality of switching points comprises a time at which a tariff changes to access said service. However, Kaplan et al suggested such (3 lines 21-31). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplan et al into view of Zanaty in order to provides the most economical route for the communications.

Consider claim 3, Zanaty teaches wherein said traffic volume comprises an aggregate count of data transferred (col. 4 lines 33-55; col. 5 lines 35-65). It should be noted that Zanaty did not specifically suggests count of data transferred. However, the count can be determined based on the rate and duration of data transfer. Thus, charging for transferring of data varied by each service providers.

Consider claim 4, Zanaty teaches wherein said traffic volume comprises a marginal count from a previous switching point, said accounting record further comprising an aggregate count (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 5, Zanaty teaches the method further comprising maintaining a marginal counter and an aggregate counter to count said marginal count and said aggregate count respectively (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 9, Zanaty teaches wherein said service is billed according to a post-paid model (col. 1 lines 54-67). It should be noted that the billing model is post-paid since prepaid model will requires verification of the account and monetary sufficiently prior to provide the requested services.

Consider claim 10, Kaplan et al teach wherein said traffic volume is associated with a session initiated by said user (abstract).

Consider claim 12, Zanaty did not suggest wherein each of said plurality of switching points comprises a time at which a tariff changes to access said service. However, Kaplan et al suggested such (3 lines 21-31). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplan et al into view of Zanaty in order to provides the most economical route for the communications.

Consider claim 13, Zanaty teaches wherein said traffic volume comprises an aggregate count of data transferred (col. 4 lines 33-55; col. 5 lines 35-65). It should be noted that Zanaty did not specifically suggests count of data transferred. However, the count can be determined based on the rate and duration of data transfer. Thus, charging for transferring of data varied by each service providers.

Consider claim 14, Zanaty teaches wherein said traffic volume comprises a marginal count from a previous switching point, said accounting record further comprising an aggregate count (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 15, Zanaty teaches the machine readable medium further comprising maintaining a marginal counter and an aggregate counter to count said marginal count and said aggregate count receptively (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 19, Zanaty teaches wherein said service is billed according to a post-paid model (col. 1 lines 54-67). It should be noted that the billing model is post-paid since prepaid model will requires verification of the account and monetary sufficiently prior to provide the requested services.

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Consider claim 20, Kaplan et al teach wherein said traffic volume is associated with a session initiated by said user (abstract).

Consider claim 22, Zanaty did not suggest wherein each of said plurality of switching points comprises a time at which a tariff changes to access said service. However, Kaplan et al suggested such (3 lines 21-31). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplan et al into view of Zanaty in order to provides the most economical route for the communications.

Consider claim 23, Zanaty teaches wherein said traffic volume comprises an aggregate count of data transferred (col. 4 lines 33-55; col. 5 lines 35-65). It should be noted that Zanaty did not specifically suggests count of data transferred. However, the count can be determined based on the rate and duration of data transfer. Thus, charging for transferring of data varied by each service providers.

Consider claim 24, Zanaty teaches wherein said traffic volume comprises a marginal count from a previous switching point, said accounting record further comprising an aggregate count (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 25, Zanaty teaches the SSG further comprising means for maintaining a marginal counter and an aggregate counter to count said marginal count and said aggregate count respectively (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 29, Zanaty teaches wherein said service is billed according to a post-paid model (col. 1 lines 54-67). It should be noted that the billing model is post-paid since prepaid model will requires verification of the account and monetary sufficiently prior to provide the requested services.

Consider claim 30, Kaplan et al teach wherein said traffic volume is associated with a session initiated by said user (abstract).

Consider claim 32, Zanaty did not suggest wherein each of said plurality of switching points comprises a time at which a tariff changes to access said service. However, Kaplan et al suggested such (3 lines 21-31). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplan et al into view of Zanaty in order to provides the most economical route for the communications.

Consider claim 33, Zanaty teaches wherein said traffic volume comprises an aggregate count of data transferred (col. 4 lines 33-55; col. 5 lines 35-65). It should be noted that Zanaty did not specifically suggests count of data transferred. However, the count can be determined based on the rate and duration of data transfer. Thus, charging for transferring of data varied by each service providers.

Consider claim 34, Zanaty teaches wherein said traffic volume comprises a marginal count from a previous switching point, said accounting record further comprising an aggregate count (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 35, Zanaty teaches wherein said accounting block maintains a marginal counter and an aggregate counter to count said marginal count and said aggregate count respectively (col. 4 lines 33-55; col. 5 lines 35-65).

Consider claim 39, Zanaty teaches wherein said service is billed according to a post-paid model (col. 1 lines 54-67). It should be noted that the billing model is post-paid since prepaid model will requires verification of the account and monetary sufficiently prior to provide the requested services.

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Consider claim 40, Kaplan et al teach wherein said traffic volume is associated with a session initiated by said user (abstract).

6. Claims 7-8, 17-18, 27-28 and 37-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zanaty (6,741,685) in view of Kaplan et al (6,473,404) and further in view of Lowe et al (6,539,082).

Consider claim 7, Zanaty and Kaplan et al did not clearly suggest wherein said accounting record is sent at least once in every tariff duration, wherein said tariff duration is between successive ones of said plurality of switching points (i.e., call completion). However, Lowe et al suggested such (col. 5 lines 43-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lowe et al into view of Zanaty and Kaplan et al in order to generate billing record for the requested services.

Consider claim 8, Kaplan et al teach wherein said plurality of switching points are specified for each day (col. 5 lines 40-47).

Consider claim 17, Zanaty and Kaplan et al did not clearly suggest wherein said accounting record is sent at least once in every tariff duration, wherein said tariff duration is between successive ones of said plurality of switching points (i.e., call completion). However, Lowe et al suggested such (col. 5 lines 43-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lowe et al into view of Zanaty and Kaplan et al in order to generate billing record for the requested services.

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Consider claim 18, Kaplan et al teach wherein said plurality of switching points are specified for each day of a week (col. 5 lines 40-47).

Consider claim 27, Zanaty and Kaplan et al did not clearly suggest wherein said accounting record is sent at least once in every tariff duration, wherein said tariff duration is between successive ones of said plurality of switching points (i.e., call completion). However, Lowe et al suggested such (col. 5 lines 43-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lowe et al into view of Zanaty and Kaplan et al in order to generate billing record for the requested services.

Consider claim 28, Kaplan et al teach wherein said plurality of switching points are specified for each day (col. 5 lines 40-47).

Consider claim 37, Zanaty and Kaplan et al did not clearly suggest wherein said accounting record is sent at least once in every tariff duration, wherein said tariff duration is between successive ones of said plurality of switching points (i.e., call completion). However, Lowe et al suggested such (col. 5 lines 43-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lowe et al into view of Zanaty and Kaplan et al in order to generate billing record for the requested services.

Consider claim 38, Kaplan et al teach wherein said plurality of switching points are specified for each day (col. 5 lines 40-47).

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Allowable Subject Matter

7. Claims 6, 16, 26 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(703) 872-9306

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and SATURDAY from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN
PRIMARY EXAMINER


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March 28, 2005